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STERNE, KESSLER, GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W., #600
WASHINGTON DC 20005-2600

EXAMINER

DINH, K

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/841,397

Applicant(s)

MATSUOKA

Examiner

Khanh Dinh

Group Art Unit

2758

☒ Responsive to communication(s) filed on 12/23/97☐ This action is FINAL.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims☒ Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 1-6, 9-16, 18-23 is/are rejected.☒ Claim(s) 7, 8, 17, 24 and 25 is/are objected to.☐ Claims _____ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on _____ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.☐ received in Application No. (Series Code/Serial Number) _____.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 1-25 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 5, 9, 11-13, 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al U.S pat. No. 5,710,591 and in view of Braun U.S pat. No. 4,360,827.

As to claim 1, Bruno discloses an audio conference server (ACS) for enabling an application program to provide multi-point, weight controllable audio conferencing comprising:

- means for managing at least one audio conference, said at least one audio conference comprising a plurality of audio clients (see 26 fig.1)

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- means for receiving audio data from said plurality of audio clients (see fig.1 and col.1 lines 29-51).

Bruno does not specifically disclose the mixer for audio data. Braun discloses means for mixing said audio data to provide spatialized audio to said plurality of audio clients in said at least one audio conference, wherein said fixing means results in mixed audio data (see abstract and col.4 lines 12-41 and fig.3); and means for delivering said mixed audio data to said plurality of audio clients in said at least one audio conference (see col.6 line 59-col.7 line 23). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Braun's audio data mixer in Bruno's audio conference server because it would have enabled an audio server to return an audio signal to the broadcast site (see Braun's abstract and col.1 line 56 - col.2 line 16).

As to claim 3, Bruno teaches checking the status of a registered owner of said at least one audio conference to determine whether said at least one audio conference still exists (see abstract and col.12 lines 20-52).

As to claim 4, Bruno further discloses checking means including a resource audit service, said resource audit service operable when said at least one audio conference

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is generated by a first application and is being used by a second application (see abstract and col. 4 line 54- col.5 line 40).

As to claim 5, Bruno further disclose a plurality of audio clients includes set top box (STB) audio clients and point source audio (PSA) audio clients (see col.7 lines 27-64).

As to claims 9 and 18, it is similar in scope as that of claim 1, and therefore is rejected for the same reasons set forth above for claim 1.

As to claim 11, it is similar in scope as that of claim 3, and therefore is rejected for the same reasons set forth above for claim 3.

As to claim 13 and 22, it is similar in scope as that of claim 5, and therefore is rejected for the same reasons set forth above for claim 5.

As to claims 12 and 21, it is similar in scope as that of claim 4, and therefore is rejected for the same reasons set forth above for claim 4.

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As to claim 19, it is similar in scope as that of claim 2, and therefore is rejected for the same reasons set forth above for claim 2.

As to claim 20, it is similar in scope as that of claim 3, and therefore is rejected for the same reasons set forth above for claim 3.

4. Claim 2, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun and Bruno as applied to claim 1 above and in view of Helf et al U.S pat. No. 5,550,924.

As to claim 2, Braun's teachings are still applied as in item 3 above, but Braun does not disclose means for providing distance-based attenuation according to sound decay characteristics. However, Helf et al disclose means for providing distance-based attenuation according to sound decay characteristics (see Helf's abstract, col.5 lines 26-49 and col.12 line38-col.13 line 62). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Helf's attenuation method in Braun's Audio Conference Server to reduce the perceived loudness of noise because it would have reduced the background noise in both speech and non-speech sections of the audio (see Helf's col.3 lines 3-25).

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As to claim 10, it is similar in scope as that of claim 2, and therefore is rejected for the same reasons set forth above for claim 2.

5. Claims 6, 14-16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun and Bruno as applied to claim 1 above, and further in view of Chau et al U. S. Pat. No.5,764,750.

As to claim 6, Braun and Bruno's teachings still applied as in item 2 above, but neither Braun nor Bruno discloses a providing program access to high level methods for creating and managing a proxy audio conference. However, Chau et al disclose a providing program access to high level methods for creating and managing a proxy audio conference (see abstract, fig.2 and col.5 lines 1-col.6 lines 35). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Chau et al's proxy server in Braun's audio conference server because it would have provided the capabilities required of endpoints by the local system and its protocol in order to allow the local and the remote endpoints to communicate with each other (see Chau's summary).

As to claims 14 , 15, 16 and 23, it is similar in scope as that of claim 6, and therefore is rejected for the same reasons set forth above for claim 6.

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6. Claims 7, 8, 17, 24 and 25 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- i) Stanley et al (U. S. pat no. 4,691,347): Method and apparatus for controlling a conference.
- ii) McFarland et al (U. S pat. No. 5,408,526): Conference calling system.
- iii) Tung et al (U. S. Pat. No.5,490,247): Video subsystem for computer-based conferencing system.
- iv) Bieselin et al (U. S pat. No.5,559,875): Method and apparatus for recording and retrieval of audio conferences

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8:00A.m. to 4:00 P.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Parsh Lall, can be reached on (703) 305-9715. The fax phone number for this group is (703) 308-5356.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 - 9600.

Khanh Dinh
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10/23/98



PARSHOTAM S. LALL
SUPERVISORY PATENT EXAMINER